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Specification

1. The objection to the specification for containing new matter is withdrawn, in light of the amendment below.

Claim Rejections

2. The rejections of claims 6, 9, 10, 15, 16, 25, 37-39, 41-43, and 50-57 under 35 U.S.C. 112, 1st and/or 2nd paragraph are withdrawn in light of their cancellation.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Callistein on April 27, 2004.

The application has been amended as follows:

In the specification:

On page 16, after line 23, the sentence, "The SSR profile of inbred PH5TG can be found in Table A.", and Table A, were deleted. The aforementioned sentence and Table A were inserted by amendment in the paper submitted by Applicant on April 11, 2003.

4. Claims 1 and 58-87 are allowed.

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5. The following is an examiner's statement of reasons for allowance: Applicants have developed an inbred maize line, designated PH5TG, seed of which has been deposited with the ATCC under Accession No. PTA-4526. The deposit meets the conditions of 37 CFR 1.801-1.809, as indicated in the deposit statements on page 52 of the specification. Numerous morphological and physiological characteristics of PH5TG are taught in Table 1 of the specification. The prior art does not teach any maize lines that have the combination of traits shown in Table 1. Regarding claims 58 and 80: when the claimed part of the maize plant is a seed, it is interpreted to mean that the seed is that which produces the claimed plant. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashwin Mehta whose telephone number is 571-272-0803. The examiner can normally be reached from 8:00 A.M to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at 571-272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and 703-872-9307 for After Final communications. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 23, 2004

A handwritten signature in black ink, appearing to read 'Ashwin D. Mehta', written in a cursive style.

Ashwin D. Mehta, Ph.D.
Primary Examiner
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